

Serial No. 09/842,731

**REMARKS**

Reconsideration of the present application is respectfully requested.

Applicant would initially like to thank the Examiner for the courtesies extended to the undersigned during the telephonic interview of June 25, 2003, during which the status of previously added claims 13 – 20 and the merits of the Examiner's office action of June 3, 2003 were discussed.

Initially, for the reasons discussed below, Applicant respectfully requests that the Examiner withdraw the finality of the last office action.

A final rejection is not proper when a clear issue has not yet been developed between the Applicant and the Examiner as to the status of the claims. (See MPEP 706.07 Aug. 2001). Applicant added new claims 13 – 20 in the previous Amendment submitted on March 21, 2003. However, the Examiner did not address new claims 13 – 20 in the present office action (dated June 3, 2003). Further, the Examiner did not address any of the limitations of these claims in the discussion portion in this Office Action.

Therefore, because a clear issue has not yet been developed as to the status of previously added claims 13 – 20, it is respectfully requested that the Examiner withdraw the finality of the last office action as being premature.

Claims 1, 3 – 4, 8 and 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,547,687 to Arai. For the reasons discussed below, these claims, as amended, are now in condition for allowance.

Claims 1 and 10 recite the novel embodiment shown in, for example, FIGS. 1 and 3 in which each of the groove-like reduced thickness portions 4f extends along a center line of a

Serial No. 09/842,731

corresponding one of said plurality of primary magnetic poles 5, 6 and has an uncovered outer surface on an outside of said yoke housing 4 to expose said entire outer surface of said groove-like reduced thickness portion 4f to air. The groove-like reduced thickness portions 4f reduce the magnetic flux  $\Phi 2$  induced by the armature magnetomotive force by providing enhanced magnetic resistance. (See Pg. 12, Line 23).

Arai discloses a micromotor that includes a yoke 2 having receptor portions 3a, 3b for receiving cooling medium pipes C. (See Col. 2, Lines 59 – 61). Although the receptor portions 3a, 3b have a groove-like reduced thickness, the receptor portions 3a, 3b are covered with the cooling medium pipes.

The Examiner has asserted that the receptor portions 3a, 3b are exposed to air because the pipes direct a cooling fluid that is at a lower temperature than the operating temperature of the motor. However, regardless of this assertion these pipes still cover the receptor portions 3a, 3b.

Further, Arai fails to disclose that the receptor portions 3a, 3b provide an enhanced magnetic resistance for reducing magnetic flux  $\Phi 2$  induced by the armature magnetomotive force.

Therefore, because Arai fails to disclose that the receptor portions 3a, 3b are uncovered and that they provide an enhanced magnetic resistance for reducing magnetic flux  $\Phi 2$  induced by the armature magnetomotive force, it is respectfully requested that the rejection of claim 1 and 10 as well as dependent claims 3 – 4 and 8 under 35 U.S.C. 102(b) be withdrawn.

Claims 5 – 7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of U.S. Patent No. 4,933,582 to Hata et al (Hata). These claims depend from amended claim 1. Therefore, the rejection of claims 5 – 7 should be withdrawn for the above-mentioned reasons with respect to claim 1.

Serial No. 09/842,731

Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of common knowledge in the art. Amended claim 2 depends from amended claim 1. Therefore, the rejection of claim 2 should be withdrawn for the above-mentioned reasons with respect to amended claim 1.

Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of Hata. Claim 9 depends from amended claim 1. Therefore, the rejection of claim 9 should be withdrawn for the above mentioned reasons with respect to claim 1.

Regarding previously added claims 13 – 20, claims 13 – 14 depend from claim 1. Therefore, claims 13 – 14 should be in condition for allowance because of the above mentioned reasons with respect to claim 1.

Claim 15 depends from claim 10. Therefore, claim 10 should be in condition for allowance because of the above mentioned reasons with respect to claim 1.

Claims 16 – 20 also recite the novel embodiment discussed above in which the groove like reduced thickness portions increase a magnetic resistance. Therefore, these claims should be in condition for allowance because of the above discussed reasons.

Claims 11 – 12 were withdrawn per the election on August 2, 2002. However, claims 11 – 12 depend from amended claim 1. Therefore, these claims should also be allowed for the above-mentioned reasons with respect to amended claim 1.

New claims 21 – 24 are presented for examination. New claims 21 – 24 recite features that further distinguish the present invention from the art of record. Support for new claims 21 – 24 can be found, for example, on pg. 12, lines 9 – 23. Arai and Hata fail to disclose groove like reduced thickness portions that have a high-magnetic resistance to thereby reduce magnetic flux

Serial No. 09/842,731

induced by an armature magnetomotive force as recited in new claims 21 – 24. Accordingly, new claims 21 – 24 should be in condition for allowance.

In view of the above amendments and remarks, the present application is now believed to be in condition for allowance. A prompt notice to that effect is respectfully requested.

Permission is hereby given to charge any unanticipated fees to Deposit Account No. 50-1147.

Respectfully submitted,



Kerry S. Culpepper  
Reg. No. 45,672

Posz & Bethards, PLC  
11250 Roger Bacon Drive, Suite 10  
Reston, VA 20190  
(703) 707-9110  
Customer No. 23400